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**By CM/ECF**

Hon. Andrew L. Carter Jr.  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York, 10007

Re: Caggiano v. EOS Products, LLC, Case No. 1:16-cv-00408-ALC

Dear Judge Carter:

We respond jointly on behalf of plaintiff Nicole Emily Caggiano and defendant EOS Products, LLC to your May 27, 2016 letter (ECF No. 8) requesting the parties' positions on staying this action pending settlement approval in a nationwide class action in the Central District of California, *Cronin v. EOS Products, LLC*, 2:16-cv-00235-JAK-JEM (C.D. Cal.). The parties agree such a stay is appropriate.

This is one of five putative consumer class actions against EOS filed by counsel from Geragos & Geragos, APC. *See also Cronin v. EOS Products, LLC*, 2:16-cv-00235-JAK-JEM (C.D. Cal.); *Tipirneni v. EOS Products, LLC*, 2:16-cv-02022-CSB-EIL (C.D. Ill.); *Everett v. EOS Products, LLC*, 8:16-cv-00140-JSM-TGW (M.D. Fla); and *Bevins v. EOS Products, LLC*, 2:16-cv-00066-GCS-TPK (S.D. Oh.).

After engaging in settlement negotiations and exchanging pertinent information, the parties to these actions mediated before the Honorable Peter D. Lichtman (Ret.), a retired judge and highly regarded mediator. Following the mediation, the parties continued to negotiate and exchange information, and thereafter achieved a proposed resolution of these actions on a nationwide basis and agreed to seek approval from the Central District of California in the first-filed *Cronin* action.

If approved, the settlement will resolve all claims at issue in this action. Accordingly, the parties jointly move this Court for an order staying this action pending final approval of the proposed

settlement. The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its own docket with economy of time and effort for itself, for counsel, and for litigants.” *LaSala v. Needham & Co., Inc.*, 399 F. Supp. 2d 421, 427 (S.D.N.Y. 2005) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254, 57 S. Ct. 163 (1936)). A stay is appropriate here not only to conserve the parties’ and Court’s time and resources, but also, significantly, to preserve the terms of the proposed class settlement. *See, e.g.*, 13B Charles A. Wright, et al., *Federal Practice & Procedure* § 3533.2 (2009) (“[A] court may stay proceedings if the parties are working toward settlement, or if the parties have agreed but the settlement requires approval by someone else”).

For the foregoing reasons, the parties respectfully request the Court enter a stay of proceedings pending final approval of the proposed nationwide class settlement.

Best Regards,

/s/ Raymond C. Silverman  
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Parker Waichman LLP  
Counsel for Plaintiff Nicole Emily Caggiano

/s/ Yelena Konanova  
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